

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

<p>MARILYN ALEXANDER, THOMAS KIRKENDOLL, STEPHEN THOMPSON, GREG HUGHES, Individually and on Behalf of All Others Similarly Situated, Plaintiffs,</p> <p>v.</p> <p>TENNESSEE VALLEY AUTHORITY, Defendant.</p>	<p>Case No. 3:08-0943</p> <p>Hon. Trauger</p>
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CASE MANAGEMENT ORDER

On December 17, 2008, this Court issued an Initial Case Management Order whereby the Court would set a second case management conference after resolution of the plaintiffs' motion to approve notice. (D.E. 16, 10(a)). Plaintiffs' motion to approve notice was granted on May 11, 2009. (D.E. 33). The second case management conference would establish deadlines for completion of fact discovery, expert disclosures and expert discovery, filing of dispositive motions and class decertification motions, if applicable, and other pre-trial matters. (D.E. 16).

Therefore, the following scheduling order shall apply:

1. **Joiner.** Plaintiffs shall file their motion to join the opt-in plaintiffs by **July 15, 2010**. Defendants may file a response by **August 2, 2010**. The parties anticipate an unopposed motion or agreed order.
2. **Discovery.**
 - a. Discovery is not stayed pending dispositive motions. Local Rule 33.01(b) is expanded to allow 40 interrogatories, including sub-parts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a telephone conference call with Judge Trauger.

- b. A joint mediation report shall be filed by **April 25, 2011**.
- c. All further discovery shall be completed by **May 2, 2011**. Discovery shall proceed regardless of any motions pending before this court. All interrogatories, requests for admissions, and other written discovery requests must be served no later than thirty days before the close of discovery. All depositions must be completed before the close of discovery.
- d. Expert disclosures. The parties do not anticipate the use of any experts.

3. Any class decertification motion or motion to reconsider the joinder of opt-in plaintiffs, if applicable, shall be filed by **June 1, 2011**. Responses shall be filed by **June 15, 2011**. An optional reply may be filed by **June 30, 2011**.

4. **Dispositive motions.**

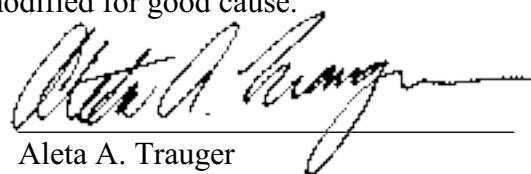
- a. Briefs shall not exceed 25 pages. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of the overall economy of time and expense for the parties, counsel and the court.
- b. Any dispositive motions shall be filed by **August 1, 2011**.
- c. Responses shall be filed by **August 30, 2011**.
- d. Optional replies shall be filed by **September 15, 2011**.

5. **Estimated Trial Time.** This trial is expected to last five days.

6. **Pretrial Conference and Trial Date.** These dates will be set by separate order.

7. **Modification.** This order may be modified for good cause.

It is so ORDERED.



Aleta A. Trauger
U.S. District Judge

APPROVED FOR ENTRY:

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